

# Congress of the United States

Washington, DC 20510

October 2, 2020

The Honorable Wilbur Ross  
Secretary  
US Department of Commerce  
1401 Constitution Avenue, Northwest  
Washington, DC 20230

The Honorable Joseph J. Simons  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, Northwest  
Washington, DC 20580

Dear Secretary Ross and Chairman Simons:

We are writing to express our support for your work to develop a successor to the European Union-United States Privacy Shield Framework (“Privacy Shield”) and to emphasize the importance of ensuring stable and reliable mechanisms to transfer data between the United States (US) and European Union (EU).

As you know, in July, a decision by the European Court of Justice (ECJ) invalidated the Privacy Shield, which served as a trusted mechanism to transfer data across the Atlantic for more than four years. More than 5,300 companies across every sector of the US economy are certified under the Privacy Shield, more than 70 percent of which are small- and medium-sized enterprises. These companies, and the thousands more that partner with them, depended on the Privacy Shield to operate their businesses effectively, efficiently, and in a manner that respects individual rights.

Companies of all sizes and in all industries need to transfer data across international borders. Without a successor to the Privacy Shield, disruption of transatlantic data transfers will have significant adverse effects on US consumers, businesses, and economic growth. The globally connected Internet is an important driver of US economic development and a key underpinning of the \$7.1 trillion in trade and investment between the US and Europe. Cross-border data flows between the US and Europe are the highest in the world, 400 percent higher than data flows between the US and Asia on a per capita basis.

We are encouraged by the recent joint statement from Secretary Ross and European Commissioner for Justice Didier Reynders, confirming that the United States and EU have initiated discussions to evaluate the potential for an enhanced Privacy Shield framework that would allow the transfer of data while protecting consumer privacy. We appreciate that the US

and EU share a commitment to privacy and the rule of law and share a recognition that the ability to transfer data across borders is vital to our citizens and our economies.

We commend your efforts and support your continued work to develop a successor to the Privacy Shield. Thank you for your leadership on this important issue.

Sincerely,



Peter Welch  
Member of Congress



Darin LaHood  
Member of Congress



Suzan DelBene  
Member of Congress

Additional Signers:

Guy Reschenthaler

Bobby L. Rush

Jerry McNerney

Bill Johnson

Don Beyer

Larry Bucshon, M.D.

Anna G. Eshoo

John Curtis

Will Hurd

Jimmy Panetta

Dan Kildee

Drew Ferguson

Jackie Walorski

Ron Kind

Steven Horsford

Adrian Smith

Ron Estes